



**Motion made and seconded to grant continuance.**

**Vote: Ackerman, Berube, Moniz, Rodrigues...Yes**  
**Vieira.....No**

**Petition continued to Feb. 24, 2022**

**Case # 3651**

**Alas**

**1038 So. Precinct St.**

A Variance from Section 440 attachment #3 of the Zoning Ordinance to allow a new porch having a sideline setback of 20 feet (instead of 25 feet)

**REQUESTING A CONTINUANCE**

**Motion made and seconded to grant continuance.**

**Vote: Ackerman, Berube, Vieira, Moniz, Rodrigues.....Yes**

**Petition continued to Dec. 16<sup>th</sup>**

**Case # 3646**

**McClean**

**147 Winthrop St.**

For: A Variance from Section 440-709 of the Zoning Ordinance to allow the dwelling conversion of a 2 family dwelling to a 3 family dwelling on lot having 12,418 sq. ft. (instead of 15,000 sq. ft.) and allow parking in the front yard and a waiver of 6 parking spaces to 4 parking spaces.

For the Petitioner: No one representing the petition.

In favor:

Opposed:

Motion made and seconded to Deny petition due to no one representing petition. .

**Vote: Ackerman, Berube, Moniz, Rodrigues , Vieira .....Yes**

**Petition Denied**

**Case # 3647**

**Geroukos**

**229 Weir St.**

For: A Special Permit from Section 440-503 of the Zoning Ordinance to allow the alteration of a pre-existing non-conforming use by converting the existing 2 auto repair bays to the convenience store space.

For the Petitioner: Nick Geroukos, 229 Weir St. Taunton, Ma.

In favor: None

Opposed: None

Mr. Geroukos stated there is an existing 2 bay garage and he wants to convert that to be used as part of the convenience store. They currently have a small sales area to the left and this will increase it. George says the store will be expanded and he answers yes. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., and Water Dept. Public Input: No one in favor or against.

**Motion made and seconded to Grant the petition as Presented**

**Vote: Ackerman, Berube, Moniz, Rodrigues , Vieira .....Yes  
Petition Granted**

**Case # 3648**

**Cabral**

**83 First St.**

For: A Special Permit from Section 440-503 of the Zoning Ordinance for the expansion of a pre-existing non-conforming structure by allowing the proposed addition to be 7.2 feet (instead of 15 feet) and a Variance from Section 440 Attachment #3 for a side setback of 4 feet (instead of 15 feet) for the proposed 24' x 24' garage.

For the Petitioner: Michael Cabral, 83 First St., Taunton, Ma.

In favor: None

Opposed: None

Mr .Cabral explains how he wants to replace the existing garage that was damaged by snow a few years ago. He also is requesting to put a small addition to his house. The addition will be a bedroom. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., and Water Dept. Public Input: No one in favor or opposed.

**Motion made and seconded to Grant the petition as presented:**

**Vote: Ackerman, Berube, Moniz, Rodrigues, Vieira .....Yes  
Petition Granted**

**Case # 3649**

**St. Germain**

**Green St. Map 46, Lot 96**

For: A Variance from Section 440-602 & 440 attachment #3 of the Zoning Ordinance for the development of a lot having 77.14' of lot width and 85.30' of frontage (instead of 100 feet of lot width & frontage)

For the Petitioner: Mathew St. Germain, 429A Winthrop St., Taunton, Ma.  
Brad Fitzgerald, P.E., SFG Associates, 28 Main St., Lakeville, Ma.

In favor: None

Opposed: Catherine Perry, 15 Green St., Taunton, Ma.  
Mary Wasylyk, 34 W. Britania St., Taunton, Ma.  
Orlando Silveira, 4 Thomas St., Taunton, Ma.  
Mr. Moreau, 44 W. Britannia St., Taunton, Ma

Matt stated they are proposing to construct a single family dwelling which will meet all setback requirements. They need a variance for frontage & lot width. The property is on the corner of Green Street and Thomas Street. They have frontage on Green Street and

Thomas Street but not continuous frontage. The lot is 2,071 sq. ft. larger than what is required. Most houses on Green Street have the required frontage and this proposal has the support of the neighbors. George asked if the access is off Thomas Street and it was answered yes. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., and Water Dept.

Matt stated whatever the city departments require he will do. Public Input: Cathy Perry, 15 Green St. stated this will be directly in her backyard. She has lived there for 20 years and she has water problems on her lot. At one point the property was cleaned up by EPA and Mr. St. Germain has made no attempts on keeping the property maintained. She is against the house in her backyard. Chairman Ackerman stated the City Engineer has to be satisfied that no more water runoff will be from this development. They must provide the City Engineer with adequate plans showing that. Cathy says she has lived there 23 years and Matt has not made any attempt to make any improvements. Brad stated the side setback is 15 feet and they have 16 feet. Chairman Ackerman suggested putting up fence. Cathy says there will be 5 more families in the neighborhood. Chairman Ackerman said if they have a conforming lot they can do duplex by right. It was noted the other two lots will have duplexes on them. Opposed: Mary Wasylyk, 34 W. Britannia St. stated there is a foot and half difference in the grade. Her concerns are water run off and the bamboo problem. Opposed: Orlando Silveira, 4 Thomas St. stated he has lived there for 27 years and now there will be 5 more families in the neighborhood. He is concerned with the duplex and the driveways. The street has no sidewalks and it is very narrow. A lot of people park on the street. Where are they going to put snow? The Board informed they can put a duplex by right on a conforming lot. Chairman Ackerman stated they are only here tonight for this lot. Mr. Silveira stated he saw EPA come in but never saw any soils going out to test. They dug it out and put soil back so they could get good results. Steve pointed out the results should be on file at the reg. of Deeds and if it's not habitable it will say that. Bill stated the results should be on record at the EPA office also. Opposed: Mr. Moreau, 44 W. Britannia St. stated someone started to excavate everything and his foundation on garage was compromised. They have no more privacy. Wayne asked if they have any proof of contamination? Mr. Monroe recalls a big bang and then he noticed the foundation damaged. Discussion took place in regards to potential fencing for privacy for abutters on W. Britannia Street but then realized that would be more for the duplex lots which is not in front of us. Chairman Ackerman pointed out the neighbor's concerns are parking, drainage, privacy and EPA cleanup. George stated he didn't think a piece of equipment cause the foundation to crack, there is a quarry down the street. Brad stated he has no knowledge of any EPA cleanup. Matt stated the EPA did clean it up and they wanted him to sue Clive Olson but he did not. He entered into an agreement with the City to replace drainage (doubling what is there) Matt wants to make it good for the neighborhood. He has no beef with any neighbors and is aware of the 90 year old retaining wall that needs fixing. After 80 years the concrete cracked and the steel pipe was exposed. The developer wants to make it nice and is open to negotiations. Brad stated if the existing catch basin was set at the correct elevation it would be better. They could put some berm in back of Perry's property to shed water to Green Street. The house will have a garage under with plenty of parking. The sewer will be connect through this lot to the duplex lots. Steve asked when the catch basins will be corrected and Marry answers he thinks

springtime. Matt stated the catch basin has a cement bottom and water doesn't go into it. Matt stated he has a written agreement with the City to double it in size. George suggested placing fencing around the Perry & Joubert property line. Fence to be determined by developer and Joubert & Perry. Wayne stated the property is uniquely shape with an L shape and this is a classic variance type and he thinks is a reasonable request.

**Motion made and seconded to Grant the petition with the following conditions:**

1. Petitioner to erect a 6 foot fence along the northerly boundary line (along Joubert & Perry property lines)
2. Restricted to single family dwelling only.
3. Include the agreement between the DPW & the petitioner relative to improving the drainage issue. Strict compliance with the agreement for the improvements to the drainage.

**Vote: Ackerman, Vieira, Moniz, Rodrigues, Berube. ....Yes**  
**Petition Granted**

**Case #3650                      Mendonca    Cherry Ave. 47-459**  
For: A Variance from Section 440-602 & 440 attachment #3 of the Zoning Ordinance for the development of a lot having 94' of lot width (instead of 100') and 12,235 sq. ft. of lot area (instead of 15,000 sq. ft.)

For the Petitioner: Brad Fitzgerald, P.E., SFG Associates, 28 Main St., Lakeville, Ma.  
Amanda & Helio Mendonca, 55 Cherry Ave., Taunton, Ma.

In favor: None  
Opposed: None

Brad stated the petitioner lives at 55 Cherry Ave .and has owned lot next door for some time, it's a separate parcel on his deed. He intends to give to daughter so she can build house. Brad stated he showed a house on lot meeting all setbacks and disclosed it's just a conceptional house. There is city water and septic system servicing house. They done perc test. The water is in front yard. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., and Water Dept. Public Input: No one in favor or against. Steve says the petition is pretty straight forward.

**Motion made and seconded to Grant the petition with the following condition:**

1. Restricted to Single family only.

**Vote: Ackerman, Berube, Moniz, Rodrigues , Vieira .....Yes**  
**Petition Granted**

**Case # 3647**

**Geroukos**

**229 Weir St.**

For: A Special Permit from Section 440-503 of the Zoning Ordinance to allow the alteration of a pre-existing non-conforming use by converting the existing 2 auto repair bays to the convenience store space.

For the Petitioner: Nick Geroukos, 229 Weir St. Taunton, Ma.

In favor: None

Opposed: None

Mr. Geroukos stated there is an existing 2 bay garage and he wants to convert that to be used as part of the convenience store. They currently have a small sales area to the left and this will increase it. George says the store will be expanded and he answers yes. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., and Water Dept. Public Input: No one in favor or against.

**Motion made and seconded to Grant the petition as Presente**

**Vote: Ackerman, Berube, Moniz, Rodrigues , Vieira .....Yes  
Petition Granted**

**Case # 3652**

**Rodrigues**

**43 Chandler Ave.**

For: A variance from Section 440 Attachment #3 of the Zoning Ordinance to allow an existing garage (24' x 30') having a 5 foot rear setback (instead of 20 feet)

For the Petitioner: John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.  
Atty. Brianna Correia, 123 Broadway, Taunton, Ma.

In favor: None

Opposed: None

Atty. Correria states the garage has been there since 1999 and it's similar in architect with the house. The lot is unique in shape which makes it difficult to meet setback. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., and Water Dept. Public Input: No one in favor or against.

**Motion made and seconded to Grant the petition as Presented**

**Vote: Ackerman, Berube, Moniz, Rodrigues , Vieira .....Yes  
Petition Granted**

**Case # 3653**

**Robicheau**

**199 Hodges St**

For: A Variance from Section 440 attachment #3 of the Zoning Ordinance to allow an existing 10.9' x 13' gazebo to have a 4.4 foot side yard setback (instead of 25 feet)

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.  
John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.

In favor: None

Opposed: Leo & Liz McTernan, 185 Hodges St., Taunton, Ma.  
Melissa Gibson, 30 Colony Lane, Taunton, Ma.

Atty. Correia stated they are here tonight because the petitioner purchased a gazebo from Costco and put it up unaware it needed any building permits. They placed the gazebo on a wood patio which sits on cinder blocks. There is no permanent foundation and she doesn't think it's considered a "structure" as defined in the zoning ordinance and therefore doesn't need a permit. Atty. Correia advertised for the gazebo only not the patio it sits on. She showed pictures, it's not attached to the house and has curtain type sides with a roof. George stated he viewed the property the other day and saw it to be clean and saw the gazebo. He stated the opposition concerns are frivolous. Chairman Ackerman stated he has never seen a case come before the ZBA for something sitting on cinder blocks. He stated there are probably hundreds of these types of things out there. He referred to it as a glorified tent. John stated the patio is about 12 inches off the ground. Wayne stated they put this together over the weekend and apparently a neighbor complained to the Building official and Atty. Correia answers yes. Wayne stated it's not permanent so it can easily be moved. Chairman Ackerman read letters from the City Planner, Con. Commission, B.O.H., Eng. Water Dept into the record. Letters from Leo & Liz McTernan, 185 Hodge St. and Melissa Gibson, 30 Colony Lane opposed. Atty. Correia stated the hardship is the location of the wetlands in the rear of the property and the septic tank. This is the only place it can go. She pointed out the opposition's allegation about no permits for the pool. They received a building permit for the pool in 2007. She stated the opposition at 185 Hodge St. has put in a pool, deck, windows and roof and she checked with the Bldg. Dept. for permits and they were none. Atty. Correia stated the petitioners are an average family who use their property for family stuff. Chairman Ackerman asked what is the trailer used for and Atty. Correia stated they have been cleaning property. Chairman Ackerman asked John if he conducted a ground survey and John answers yes to show the locations of the sheds, fences along the property line. Steve asked if there were any monuments out there and John answers yes. Wayne asked what is the hardship? It seems if you disagree with the Building Dept. on whether or not you need a variance then you should have filed an Appeal? He stated the fact you filed for a variance admits you need one. Atty. Correia stated she filed the variance rather than fight with the Bldg. dept, they would have had to come here anyway. Wayne stated you are seeking a variance then you say it's not a permanent structure? Obviously you interpret it different than the building official you should have filed an appeal. There was some discussion about if the Board took an unofficial vote that it is not a permanent structure. The Secretary informed the Board that the City

Planner and Building Inspector agree it's a structure and needs to meet zoning and requires a permit. It was noted the City Planner's letter was written BEFORE it came to the attention that there was a patio/deck under the gazebo. Wayne stated they should go ahead and hear case and vote on what is before the board. George stated it's not a permanent structure. Chairman Ackerman stated it's not fair to all involved, the petitioner is here the abutters are here and apparently there is a neighborhood feud going on. Steve stated he would like to proceed but is concerned what they are voting on. Wayne does not see any hardship and because of the confusion on whether or not the patio needs zoning approval, it seems reasonable to continue for a month to get clarification. Atty. Correia stated she respected the Building Department and the petitioner did what was told of him to do and apply for a variance for the gazebo. Unfortunately the patio issue just came up with this week.

**Motion made and seconded to continue to next month to have Atty. Correia contact the Law office for an opinion on whether or not it's a structure.**

**Vieira, Moniz, Rodrigues, Berube. ....Yes**  
**Ackerman .....No**

**Petition continued to Dec. 16<sup>th</sup> meeting**

Chairman Ackerman stated if they decide to appeal the Bldg. Dept. interpretation then he waives the filing fee.

Chairman Ackerman refers to the Bldg. Dept. to see if the opposition, 185 Hodges St. and 30 Colony Lane have building permits for all the work and structures they have, sheds, pool, decks, etc. If Not have the Building Enforcement enforce it.

**George Moniz excused**

<b>Case # 3654</b>	<b>Eastside Prop.Dev.</b>	<b>140 Macomber St.</b>
For A Variance from Section 440-602 & Section 440 Attachment #3 of the Zoning Ordinance to allow the construction of a single family dwelling on a lot having 46,135 sq. ft. (instead of 60,000 sq. ft) with 85 feet of lot width (instead of 100') and 67.67 feet of frontage (instead of 150')		

For the Petitioner: Marc Mason, Eastside Prop. Dev., 620 Burt St., Taunton, Ma.  
Peter Lavoie, Landmark Site Design, 1267 Glebe St., Taunton, Ma

In favor: None

Opposed: Scott Navarro, 160 Macomber St., E. Taunton, Ma.

Peter say the lot is pre-existing and has 46,000 sq. ft. which received ZBA approval in 2004. They are seeking the same relief as prior variance. They need 3 variances for frontage, lot width and lot area . The previous variance was never exercised but the lot



split by the Form J plan with P.B. They are proposing a single family house on the lot. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., and Water Dept. Public Input: No one in favor. Opposed: Scott Navarro, 160 Macomber St. ,stated the previous variance was granted when no houses were there. Since then there have been 4 houses building on Macomber Street. All meeting the zoning requirements. He has witnessed constant flooding and the water spills over onto his yard. His dangerous in the winter when it freezes on the roadway. He stated it's so bad the DPW added money in their budget for improvements to the drainage. He stated this is not a family that will be living here, it's a developer who just wants to build and leave. Scott stated he built his forever home with his wife and children on a conforming lot. His concerns are the very high water table, drainage problems and icing. He asked how much frontage is enough because this lot doesn't even have half of the required amount. Dennis suggesting Mr. Navarro contact the City Engineer's office for some help. During the building permit process the City Engineer has to make sure no additional water runoff will occur. Scott re-iterated the horrendous water problem and he thinks putting a house there will make it worse. Marc stated they are aware of the water problem and is aware the DPW is planning on improving it. Wayne asked what the hardship is? Peter stated the Board already granted a variance but it was never exercised. Marc wanted to convey he will make sure the neighbors are satisfied. Steve and Scott both agreed the lot is simply too small, should have more being in the RRD.

**Motion made and seconded to Grant the petition with the following condition:**

- 1. Meet with the City Engineer to ensure the drainage goes into the new drain.**

**Vote: Ackerman, Egan, Berube .....Yes**

**Vieira, Rodrigues.....No**

**Petition Denied**

**Case # 3666**

**Venturelli**

**124 Lakeview Ave.**

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance to allow the re-construction of a dwelling having a 18.7' front setback (instead of 25') and side setback of 0.3 and 7.6' (instead of 15')

For the Petitioner: Dominic Venturelli & Jesse Ramsperger, 124 Lakeview Ave.,Taunton, Ma.

In favor: None

Opposed: None

Mr. Venturelli stated they are here tonight for permission to re-build house. The previous addition is not up to code. They are re-building in same footprint and will be removing 3 season room and putting deck in its place. The carport is staying. Chairman Ackerman reads dept. comments from the City Planner, Eng. B.O.H., Conservation Commission. Public Input: No one in favor or opposed.

**Motion made and seconded to Grant the petition as presented:**  
**Vote: Ackerman, Berube, Rodrigues, Vieira, Egan...Yes**

**Meeting adjourned at 8:48 PM**